

S.R. 347 - By Senator Aikin: Extending welcome to Mr. and Mrs. Lloyd Sterling.

S.R. 348 - By Senator Creighton: Commending returning Prisoner of War Colonel Donald Burns.

S.R. 349 - By Senator Ogg: Extending welcome to Tom Stapp.

S.R. 350 - By Senator Aikin: Extending welcome to Mr. and Mrs. William Viehe and their grandson Mike Viehe.

S.C.R. 68 - By Senator Ogg: Commending returning POW A.F. Major John Wendell.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTIETH DAY (Wednesday, March 21, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracer, Wallace and Wolff.

A quorum was announced present.

The Reverend Cal E. Permenter, St. David's Episcopal Church, Austin, Texas, offered the invocation as follows:

We commend to thee, O Lord God, all who are members of this Senate. Grant to them integrity of purpose and devotion to righteousness. So guide them in their deliberations and decisions that where our Constitution, laws and procedures are right they will uphold them, and that where these are remiss they will reform them... so that this body of government will fulfill your calling to serve the people of this State according to your will and purposes.

Some of us ask this in the name of the Law and the Prophets; others of us ask it in Jesus Christ's name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S.B. 115
S.B. 725
S.B. 388
S.B. 332
C.S.S.B. 348 (Read first time)
H.B. 8 (Amended)
C.S.H.B. 3 (Read first time)

Senator Hightower submitted the following reports for the Committee on Administration:

H.B. 619
H.C.R. 70
C.S.S.C.R. 20 (Read first time)
S.R. 286
C.S.S.R. 271 (Read first time)
S.C.R. 44 (Amended)

Senator Wallace submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 70 (Read first time)

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 505
S.B. 593

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 21, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 31, Requesting the President to release funds which have been authorized by Congress for education.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

**PERMISSION GRANTED FOR USE
OF TELEVISION LIGHTS IN SENATE CHAMBER**

On motion of Senator Snelson and by unanimous consent, television cameraman for KOSA, Channel 7, of Odessa was granted permission to use television lights while the Senate was in Session.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 91

H.C.R. 92

SENATE JOINT RESOLUTION 28 RE-REFERRED

On motion of Senator Creighton and by unanimous consent, S.J.R. 28 was withdrawn from the Committee on Natural Resources and re-referred to the Committee on State Affairs.

HOUSE BILL 5 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading H.B. 5. (The bill having been read second time on March 15, 1973.)

Question, Shall H.B. 5 be passed to third reading?

Senator Jones offered the following amendment to the bill:

Amend H.B. 5 by adding the following at the end of Section 6:

"If a tax item has not been discussed at a public hearing by a standing committee of at least one House of the Legislature the conference committee is without authority to include such item in such concurrent resolution."

The amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended failed to pass to third reading by the following vote: Yeas 10, Nays 21.

Yeas: Adams, Andujar, Braecklein, Brooks, Gammage, Harrington, Jones, Mauzy, Mengden and Traeger.

Nays: Aikin, Blanchard, Clower, Creighton, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 21, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 112, Recognizing the week of April 11 to April 17, 1973, as "Time to Run" Week and join the Governor of Texas and other concerned citizens of the state in support of this worthwhile evangelistic effort.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILL 89 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 89, A bill to be entitled An Act amending subsections (a), (b), and (c) of Section 3.59 of the Texas Education Code; relating to composition, appointment and terms of the State Board of Trustees of the Teacher-Retirement System, providing this Act to be severable, and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 89 ON THIRD READING

Senator Aikin moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

S.C.R. 31

COMMITTEE APPOINTED

The President announced the appointment of the following Constitutional Convention Planning Committee, pursuant to the provisions of H.C.R. 11: Senators Wolff, Hightower, Schwartz, Meier and Harris.

NOTICE OF EXECUTIVE SESSION

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:35 o'clock a.m. tomorrow.

MOTION TO PLACE HOUSE BILL 88 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business and take up H.B. 88 for consideration at this time.

Senator Harris raised the Point of Order that under the provisions of Section 35, Article III of the Texas Constitution, H.B. 88 could not be considered at this time as the caption of the bill contains more than one subject.

The President overruled the Point of Order stating that the Point of Order involves a Constitutional question and the precedent has been that the Presiding Officer of the Senate does not rule on Constitutional matters.

Senator Jones raised the Point of Order that H.B. 88 could not be considered at this time as only one of the two Committee Amendments which were adopted appears in the printed version of the bill.

The President sustained the Point of Order stating that the printed version of the bill on the Members' desks was not the full and correct version of the bill.

Senator Mauzy then made the Parliamentary Inquiry that since the full and correct copy of H.B. 88 had now been placed on the Members' desks, at what time could H.B. 88 be considered?

The President stated that H.B. 88 could be considered after 11:42 o'clock a.m. tomorrow.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 21, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 133, Relating to the amount of indebtedness that can be insured under and exemptions from certain laws covering mortgage guaranty insurance; amending Sections 2 and 7, Article 21.50, Insurance Code; and declaring an emergency. (With Amendments.)

The House refused to concur in Senate amendments to H.C.R. 3 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 133 WITH HOUSE AMENDMENTS

Senator Blanchard called S.B. 133 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate:

AMENDMENT NO. 1

Amend S.B. 133 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 7, Article 21.50, Insurance Code, is amended to read as follows:

"Section 7. A mortgage guaranty insurer shall limit its coverage for the class of insurance defined in Paragraphs (1) and (2) of Subdivision (a) of Section 1 to a maximum of twenty-five per cent (25%) of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security."

"Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

AMENDMENT NO. 2

Amend S.B. 133 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL**TO BE ENTITLED**

An Act relating to the amount of indebtedness that can be insured under certain laws covering mortgage guaranty insurance; amending Section 7, Article 21.50, Insurance Code; and declaring an emergency."

The House amendments were read.

Senator Blanchard moved the Senate concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Jones.

SENATE BILL 221 ON SECOND READING

Senator Patman asked unanimous consent to suspend the regular order of business and take up S.B. 221 for consideration at this time.

There was objection.

Senator Patman then moved to suspend the regular order of business and take up S.B. 221 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Creighton, Harris, Moore, Ogg and Schwartz.

Absent: Blanchard.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 221, A bill to be entitled An Act creating the Commission on Organization of the Executive Branch of the Government and providing for its powers, duties and procedures; and declaring an emergency.

The bill was read second time.

Question, Shall Senate Bill 221 be passed to engrossment?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, March 22, 1973

C.S.H.B. 3 - Senator Brooks
H.B. 88 - Senator Mauzy
H.B. 262 - Senator Kothmann
C.S.S.B. 41 - Senator Gammage
C.S.S.B. 106 - Senator Traeger
S.B. 123 - Senator Gammage
S.B. 147 - Senator Gammage
S.B. 221 - Senator Patman
S.B. 264 - Senator Moore
S.B. 361 - Senator Adams
C.S.S.B. 458 - Senator Moore
S.B. 485 - Senator Moore

Monday, March 26, 1973

S.B. 47 - Senator Mauzy
S.B. 48 - Senator Mauzy
C.S.S.B. 75 - Senator Mauzy
S.B. 196 - Senator Hightower
S.B. 263 - Senator Brooks

MEMORIAL RESOLUTIONS

S.R. 354 - By Senator Herring: Memorial resolution for William H. Schroeder, Sr.

S.R. 355 - By Senator Herring: Memorial resolution for Richard T. Fleming.

S.R. 359 - By Senator Jones: Memorial resolution for Truman Dubois "Pap" Craddock.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 353 - By Senator Wolff: Extending welcome to 2nd grade class of Lockhill School.

S.R. 356 - By Senator Aikin: Extending welcome to Mr. and Mrs. Al Yeager.

S.R. 358 - By Senator Clower: Extending welcome to Rusty Ormshen.

S.R. 360 - By Senator Adams: Extending congratulations to Mark Ward.

S.R. 361 - By Senator Clower: Extending welcome to Tommy Martin and Bill Cook.

S.R. 362 - By Senator Gammage: Extending welcome to students from Lamar Consolidated High School.

S.R. 363 - By Senator Clower: Extending welcome to senior class from Red Oak High School.

RECESS

Senator Aikin moved that the Senate take recess until 8:30 o'clock a.m. tomorrow.

Question on the motion to take recess, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: Yeas 16, Nays 15.

Yeas: Adams, Aikin, Blanchard, Creighton, Harris, Herring, Hightower, Mauzy, Meier, Moore, Ogg, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Jones, Kothmann, Longoria, McKinnon, McKnight, Mengden, Patman, Santiesteban and Snelson.

Accordingly, the Senate at 12:10 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 21, 1973

S.C.R. 31

FORTIETH DAY

(Continued)

(Thursday, March 22, 1973)

After Recess